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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

# Federal Communications Commission

In the Matter of )  
 )  
Advanced Television Systems )  
and Their Impact upon the Existing )  
Television Broadcast Service )

MM Docket No. 87-268

To: The Commission

## REPLY COMMENTS OF GOLDEN ORANGE BROADCASTING CO., INC.

Golden Orange Broadcasting Co., Inc. ("Golden Orange"), licensee of independent Television Broadcast Station KDOC-TV, Anaheim, Orange County, California, hereby submits its reply comments on the Commission's Sixth Further Notice of Proposed Rule Making (FCC 96-207, released August 14, 1996) (hereinafter "NPRM") concerning initial digital television (DTV) channel allotments, procedures for assigning DTV frequencies and plans for spectrum recovery. In support thereof, the following is set forth.

1. **Introduction.** In its comments, Golden Orange generally supported the Commission's proposed DTV allotment plan and enthusiastically supported the Commission's proposal to allocate DTV Channel 38 for use by KDOC-TV, but subject to a condition that such DTV allocation contain a site restriction to the Mt. Wilson primary transmission site rather than the Sunset Ridge secondary transmission site from which KDOC-TV currently must operate. In this regard, because of a 20 mile NTSC UHF taboo involving a station already transmitting from Mt. Wilson, KDOC-TV is prevented from transmitting from Mt. Wilson, a condition which would not

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apply to the proposed Channel 38 DTV allocation. Accordingly, the instant reply comments generally respond to matters raised in the comments of the Broadcasters Caucus.

2. **Replication of Service.** The Broadcasters Caucus would have the Commission make replication of existing NTSC service a first priority with equalization or maximization of service a secondary goal on the basis that this “ordering of priorities is the most efficient and equitable way of achieving a seamless transition that best fulfills viewer expectations while duly recognizing broadcasters’ sunk investment in their core business.” Broadcasters Caucus Comments, p. 5. Thus, the Broadcasters Caucus advocates the use of existing transmitter sites for assigning DTV channels as this would serve to facilitate replication of NTSC service areas and encourage co-location of transmission facilities. The Broadcasters Caucus would consider requests for relocation of the DTV transmitter site on a case-by-case basis after adoption of the DTV table, assuming such changes would not cause unacceptable interference to other stations; initially, however, the Broadcasters Caucus urges the Commission to adopt a DTV Table of Allocation based on the use of exact transmitter locations and those transmitter locations would be the coordinates of the paired existing NTSC transmitter sites. Broadcasters Caucus Comments, pp. 13-14.

3. Golden Orange submits that while replication of NTSC service is a high priority, ultimately the Commission’s DTV Allocation Table must be based on what is best in the public interest. If a DTV allocation can be made which maximizes service to the public without adversely affecting other stations, then, clearly, replication of NTSC service should not be the primary consideration governing a DTV channel allocation. To the extent possible, the DTV allocation process should rectify inefficiencies and inequities systemic to the current NTSC Table of Allocations and not merely attempt to replicate NTSC service.

4. **Adjacent Channels.** The Broadcasters Caucus would assign adjacent NTSC/DTV channels to the same licensee so as to require exact co-location of adjacent channel facilities which would thereby serve to reduce interference potential inherent to adjacent channel assignments within the same market and achieve comparable service areas between paired NTSC and DTV channel assignments. Indeed, the assignment of adjacent channels to the same licensee was the only goal that ranked higher than replication of NTSC service areas in the view of the Broadcasters Caucus. **Broadcasters Caucus Comments, p. 21.** Presumably, it is for this reason that the modified DTV allotment/assignment plan of the Broadcasters Caucus would pair KDOC-TV's NTSC Channel 56 with DTV Channel 55. This channel pairing, however, is unacceptable to Golden Orange since it would compel KDOC-TV to continue transmitting from Sunset Ridge, thereby carrying over the inherent inefficiencies and inequities of operating its DTV facilities from a secondary transmission site.

5. **DTV Channel Allocation Methodology.** The Broadcasters Caucus urges that the Commission should make DTV allotments not on the basis of minimum spacing criteria, but, rather, on the basis of minimum service contours, i.e., replication of existing NTSC service contours to the maximum extent possible. Accordingly, the Broadcasters Caucus opposes the use of minimum or maximum power levels and would leave it to the discretion of particular television stations to utilize a combination of power and tower height parameters to achieve minimum service contours. **Broadcasters Caucus Comments, pp. 44-45.** Golden Orange submits that this DTV channel allocation methodology would be not only cumbersome and unmanageable, but, more importantly, would place replication of NTSC service above what might be best in the public interest. While

replication of NTSC service is important, it should not be the primary consideration for any DTV channel allotment plan.

6. **Private Frequency Coordinating Committees.** The Broadcasters Caucus advocates the use of industry coordinating committees to provide advice to the Commission on pre- and post-adoption modifications to the DTV Table of Allocations. The Commission generally supported the advisory participation of regional coordinating committees. NPRM at paras. 44-49. Golden Orange believes that while the use of such regional coordinating committees may be helpful to the Commission, such process may be coopted to preserve the status quo rather than to promote a fair and efficient scheme of DTV allocation which would serve to promote and enhance competition within the marketplace. With this reservation, nevertheless, Golden Orange believes that the use of regional coordinating committees has the potential to facilitate efficient and fair resolution of proposed modifications to the DTV Table.

Respectfully submitted

GOLDEN ORANGE BROADCASTING CO., INC.

By: Calvin C. Brack  
Calvin C. Brack, Chief Executive Officer

Dated: January 24, 1997